

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SOLAS OLED LTD.,

*Plaintiff,*

v.

SAMSUNG DISPLAY CO., LTD., et al.,

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 2:19-CV-00152-JRG

**JOINT MOTION TO MODIFY DOCKET CONTROL ORDER**

Plaintiff Solas OLED Ltd. and Defendants Samsung Display Co., Ltd., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (collectively, “Defendants”) respectfully submit this Joint Motion to Modify Docket Control Order. Specifically, the parties wish to combine and streamline certain deadlines associated with the exchange of proposed claim constructions and submission of the Joint Claim Construction Statement pursuant to P.R. 4-1, P.R. 4-2, and P.R. 4-3.

As the parties noted in their original proposed Docket Control Order, certain of the documents that Defendants are required to produce under P.R. 3-4(a) are subject to export restrictions under the Act on Prevention of Leakage and Protection of Industrial Technology (“IAT”) of the Republic of Korea. (Dkt. 40, Attachment 1 at 4–5.) Under this Act, the Defendants were required to seek approval to produce document from the relevant Korean authorities. The Defendants did not expect that they would be able to receive this approval prior to the default deadline for producing documents under P.R. 3-4 of December 2, 2019.

Accordingly, the parties’ proposed schedule provided Defendants with additional time to complete their P.R. 3-4 production and provided Plaintiff an opportunity to propose additional claim terms for construction after receiving Defendants’ complete P.R. 3-4 production.

Defendants have now received the necessary approvals from the Korean authorities and expect to be able to make their P.R. 3-4 production on or about January 8, 2020. Now that this production is ready to be made, the parties believe that they can streamline and simplify upcoming deadlines, by moving the deadline for Plaintiff to propose new terms for constructions to an earlier date and by moving the P.R. 4-3 deadline to a later date, so as to avoid the need to subsequently amend the P.R. 4-3 filing and disclosures.

The parties' proposals for the new deadlines are as follows:

<b>Event</b>	<b>Original Deadline</b>	<b>Proposed New Deadline</b>
Solas may propose additional claim terms, phrases, or clauses which it contends should be construed (P.R. 4-1)	January 30, 2020	January 15, 2020
Parties exchange preliminary constructions and extrinsic evidence for any new claim terms, phrases, or clauses identified by Solas. (P.R. 4-2)	February 6, 2020	January 21, 2020
Comply with P.R. 4-3 (Joint Claim Construction Statement)	January 8, 2020	January 28, 2020
File Amendment to Joint Claim Construction Statement	February 12, 2020	Not Applicable

Good cause exists to modify the deadlines addressed in this Motion because of the complexities presented by the need for Defendants to obtain approval to produce the required documents under P.R. 3-4. The current Docket Control Order expressly permits the parties to add terms and modify constructions after the submission of the Joint Claim Construction Statement and disclosure of expert opinions, and it contemplates amendment of the Joint Claim Construction Statement and expert opinions. (Dkt. 43 at 4.) This is likely to lead to unnecessary duplication of effort by the parties. The proposed amendment would reduce duplication of effort and lead to a more orderly claim construction process.

Respectfully submitted,

Dated: January 7, 2020

/s/ Reza Mirzaie

Marc Fenster (CA SB No. 181067)  
Reza Mirzaie (CA SB No. 246953)  
Neil A. Rubin (CA SB No. 181067)  
Kent N. Shum (CA SB No. 259189)  
Theresa Troupson (CA SBN 301215)  
RUSS AUGUST & KABAT  
12424 Wilshire Boulevard 12th Floor  
Los Angeles, California 90025  
Telephone: 310-826-7474  
Facsimile: 310-826-6991  
E-mail: [mfenster@raklaw.com](mailto:mfenster@raklaw.com)  
E-mail: [rmirzaie@raklaw.com](mailto:rmirzaie@raklaw.com)  
E-mail: [nrubin@raklaw.com](mailto:nrubin@raklaw.com)  
E-mail: [kshum@raklaw.com](mailto:kshum@raklaw.com)  
E-mail: [ttroupson@raklaw.com](mailto:ttroupson@raklaw.com)

Sean A. Luner  
CA State Bar No. 165443  
Gregory S. Dovel  
CA State Bar No. 135387  
Jonas B. Jacobson  
CA State Bar No. 269912  
DOVEL & LUNER, LLP  
201 Santa Monica Blvd., Suite 600  
Santa Monica, CA 90401  
Telephone: 310-656-7066  
Email: [sean@dovel.com](mailto:sean@dovel.com)  
Email: [greg@dovel.com](mailto:greg@dovel.com)  
Email: [jonas@dovel.com](mailto:jonas@dovel.com)

T. John Ward, Jr.  
Texas State Bar No. 00794818  
E-mail: [jw@wsfirm.com](mailto:jw@wsfirm.com)  
Claire Abernathy Henry  
Texas State Bar No. 24053063  
E-mail: [claire@wsfirm.com](mailto:claire@wsfirm.com)  
Andrea L. Fair  
Texas State Bar No. 24078488  
E-mail: [andrea@wsfirm.com](mailto:andrea@wsfirm.com)  
WARD, SMITH & HILL, PLLC  
PO Box 1231  
Longview, Texas 75606-1231  
(903) 757-6400 (telephone)  
(903) 757-2323 (facsimile)

**ATTORNEYS FOR PLAINTIFF  
SOLAS OLED, LTD.**

Dated: January 7, 2020

/s/ Melissa R. Smith  
Melissa R. Smith  
Texas State Bar No. 24001351  
melissa@gillamsmithlaw.com  
GILLAM & SMITH, LLP  
303 South Washington Avenue  
Marshall, Texas 75670  
Phone: (903) 934-8450  
Fax: (903) 934-9257

Jeffrey H. Lerner  
jlerner@cov.com  
David A. Garr  
dgarr@cov.com  
Jared R. Frisch  
jfrisch@cov.com  
Grant D. Johnson  
gjohnson@cov.com  
Daniel W. Cho  
dwcho@cov.com  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
Phone: (202) 662-6000  
Fax: (202) 662-6291

Robert T. Haslam  
rhaslam@cov.com  
COVINGTON & BURLING LLP  
3000 El Camino Real  
5 Palo Alto Square, 10<sup>th</sup> Floor  
Palo Alto, CA 94306-2112  
Phone: (650) 632-4700  
Fax: (650) 632-4800

**COUNSEL FOR DEFENDANTS SAMSUNG  
DISPLAY CO., LTD., SAMSUNG ELECTRONICS  
CO., LTD., AND SAMSUNG ELECTRONICS  
AMERICA, INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on January 7, 2020, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3)(A).

/s/ Reza Mirzaie  
Reza Mirzaie